

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

TIMOTHY SIMMS,	:	Case No. 2:22-cv-474
	:	
Petitioner,	:	
	:	
vs.	:	Judge Edmund A. Sargus, Jr.
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
KEITH FOWLEY,	:	
	:	
Respondent.	:	

ORDER

This habeas corpus matter is before the Court on Petitioner’s letter asking whether his case was filed in the wrong court. (Doc. 18). A federal habeas corpus petition may be filed in one of two locations: “in the district court for the district wherein such person is in custody **or** in the district court for the district within which the State court was held which convicted and sentenced him[.]” 28 U.S.C. § 2241(d) (emphasis added). It appears that Petitioner could have filed either in the Northern District because he is in custody there (in Lorain County), or in the Southern District because he was convicted and sentenced here (in Franklin County). (*See* Doc. 4, PageID 20). *See* 28 U.S.C. § 115 (describing which counties are in each of Ohio’s judicial districts). However, this Court’s Local Rule 82.1 concerning the proper venue for habeas corpus actions instructs that petitions should be filed in “the location of Court which serves the county in which the state court judgment” at issue was filed. *See* S.D. Ohio Civ. R. 82.1(f). Accordingly, it appears that the Petition in this case was filed in the proper location. In any event, Respondent has not moved to dismiss the Petition (or to transfer the Petition to the Northern District) for this reason. (*See generally* Answer, Doc. 16).

The Petition is fully briefed and at issue before the Court. Petitioner is reminded that he must keep this Court informed of his current address, and promptly file a Notice of New Address if he is released or transferred.

IT IS SO ORDERED.

May 10, 2023

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.

UNITED STATES MAGISTRATE JUDGE